

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SHERRIE ATTEBERRY,

Case No.: 2:21-cv-01984-APG-EJY

**Plaintiff**

## **Order Granting Unopposed Motion to Dismiss**

V.

[ECF No. 5]

SMITH'S FOOD & DRUG CENTERS, INC.  
and TYLER TATE,

## Defendants

Defendant Tyler Tate moves to dismiss for insufficient service of process. ECF No. 5.

10 The affidavit of service for Tate states that Tate was served on October 24, 2021 at 4208  
11 Seclusion Bay Ave in North Las Vegas. ECF No. 1-1 at 13. Tate disputes that he was served at  
12 that location in October 2021 because Tate avers that he has resided in Idaho since February  
13 2021, that he was physically present in Idaho in October 2021, and that he did not live at and is  
14 unfamiliar with the address where he was purportedly served in North Las Vegas. ECF No. 5-1.  
15 The plaintiff has not responded to this motion. I therefore grant it as unopposed. *See* LR 7-2(d).

16 I THEREFORE ORDER that defendant Tyler Tate's motion to dismiss (ECF No. 5) is  
17 GRANTED.

DATED this 6th day of January, 2022.



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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE